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*Attorneys for the Defendants*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

X

\_\_\_\_\_  
JPC MERGER, SUB, LLC d/b/a JERSEY  
PRECAST

CIVIL ACTION

Plaintiff,

No.: \_\_\_\_\_

-against-

**NOTICE OF REMOVAL**

ALTERRA AMERICA INSURANCE  
COMPANY, ALTERRA US INSURANCE  
and ALTERRA INSURANCE USA INC.

Defendants. \_\_\_\_\_

X

**TO: THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**PLEASE TAKE NOTICE** that defendant Alterra America Insurance Company and defendant Alterra Insurance USA Inc. d/b/a Alterra USA, improperly pleaded as defendants Alterra US Insurance and Alterra Insurance USA Inc., hereby removes the above-captioned action pursuant to 28 U.S.C. § 1441 and § 1446 from the Superior Court of New Jersey, Mercer County, to the United States District Court for the District of New Jersey. This action is entitled *JPC Merger, Sub, LLC d/b/a Jersey Precast v. Alterra America Insurance Company, Alterra US Insurance and Alterra Insurance USA Inc.*, Index No.: L-1503-14 (the “State Court Action”).

The grounds for Removal are as follows:

1. On July 3, 2014, plaintiff commenced this civil action in the Superior Court of New Jersey, Mercer County, by filing a Summons and Complaint. A copy of the Summons and Complaint is attached hereto as Exhibit "A."

2. On July 7, 2014, Plaintiff's counsel mailed a copy of the complaint filed in the State Court Action to defendant Alterra Insurance USA Inc. d/b/a Alterra USA, improperly pled as defendants Alterra US Insurance and Alterra Insurance USA Inc. Thus, this Notice of Removal is being timely filed under 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of service.

3. Plaintiff and all of its members are entities organized and existing under and by virtue of the laws of the State of New Jersey.

4. Defendant Alterra America Insurance Company is organized under the laws of Delaware and has its principal place of business in Richmond, Virginia.

5. Defendant Alterra Insurance USA Inc. d/b/a Alterra USA, improperly pled as Defendants Alterra US Insurance and Alterra Insurance USA Inc., is organized under the laws of Delaware and has its principal place of business in Richmond, Virginia.

6. Paragraph 22 of the complaint filed by Plaintiff in the State Court Action indicates that Plaintiff is seeking reimbursement in the amount of at least Two Hundred and One Thousand Two Hundred and Nineteen Dollars (\$201,219.00).

7. Thus, this Court has subject matter jurisdiction under 28 U.S.C. § 1332 because this is a civil action in which the amount in controversy exceeds the sum of \$75,000, exclusive of costs and interests, and is between the citizens of different states.

8. This is an action over which this Court would have had original jurisdiction had it been filed initially with this Court, and Removal is proper under the provisions of 28 U.S.C. § 1441(a).

9. As required by 28 U.S.C. § 1446(a), a true and correct copy of the Summons and Complaint, the only pleadings filed in this matter to date, is attached hereto as Exhibit "A."

10. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon counsel for the plaintiff, and a copy is also being filed with the Clerk of the Court for the Superior Court of New Jersey, Mercer County. The Notice of Filing Petition for Removal, without accompanying exhibits, is attached as Exhibit "B."

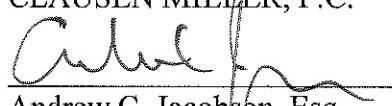
11. Therefore, defendant Alterra America Insurance Company and defendant Alterra Insurance USA Inc. d/b/a Alterra USA, improperly pled as defendants Alterra US Insurance and Alterra Insurance USA Inc., are entitled to Removal of the State Court Action to this Court pursuant to 28 U.S.C. §1441(a).

12. No previous application has been made for the relief requested herein.

**WHEREFORE**, defendant Alterra America Insurance Company and defendant Alterra Insurance USA Inc. d/b/a Alterra USA, improperly pled as defendants Alterra US Insurance and Alterra Insurance USA Inc., respectfully request that this State Court Action be removed from the Superior Court of the State of New Jersey, Mercer County to the United States District Court for the District of New Jersey, and that it proceeds in this Court as an action properly removed

thereto.

Dated: August 4, 2014

Respectfully submitted,  
CLAUSEN MILLER, P.C.  
  
By: \_\_\_\_\_  
Andrew C. Jacobson, Esq.  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on this date, a copy of the foregoing Notice of Removal with Exhibits was served by overnight mail on the following:

Seth R. Tipton, Esq.  
Florio Perrucci Steinhardt & Fader  
60 W. Broad Street  
Bethlehem, Pennsylvania 18018  
Attorneys for Plaintiff

  
Andrew C. Jacobson

Dated: August 4, 2014